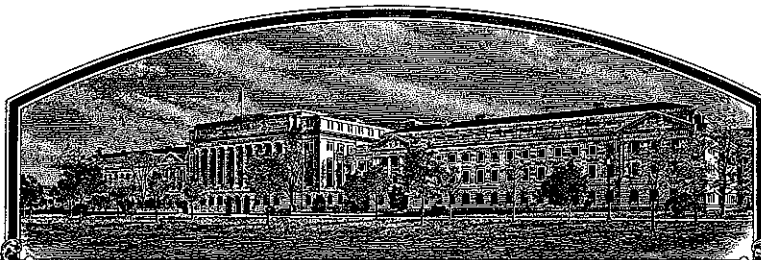


No.

200800073



THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

The Board of Trustees of the University of Illinois

Whereas, THERE HAS BEEN PRESENTED TO THE

Secretary of Agriculture

AN APPLICATION REQUESTING A CERTIFICATE OF PROTECTION FOR AN ALLEGED DISTINCT VARIETY OF SEXUALLY REPRODUCED, OR TUBER PROPAGATED PLANT, THE NAME AND DESCRIPTION OF WHICH ARE CONTAINED IN THE APPLICATION AND EXHIBITS, A COPY OF WHICH IS HEREUNTO ANNEXED AND MADE A PART HEREOF, AND THE VARIOUS REQUIREMENTS OF LAW IN SUCH CASES MADE AND PROVIDED HAVE BEEN COMPLIED WITH, AND THE TITLE THERETO IS, FROM THE RECORDS OF THE PLANT VARIETY PROTECTION OFFICE, IN THE APPLICANT(S) INDICATED IN THE SAID COPY, AND WHEREAS, UPON DUE EXAMINATION MADE, THE SAID APPLICANT(S) IS (ARE) ADJUDGED TO BE ENTITLED TO A CERTIFICATE OF PLANT VARIETY PROTECTION UNDER THE LAW.

NOW, THEREFORE, THIS CERTIFICATE OF PLANT VARIETY PROTECTION IS TO GRANT UNTO THE SAID APPLICANT(S) AND THE SUCCESSORS, HEIRS OR ASSIGNS OF THE SAID APPLICANT(S) FOR THE TERM OF TWENTY YEARS FROM THE DATE OF THIS GRANT, SUBJECT TO THE PAYMENT OF THE REQUIRED FEES AND PERIODIC REPLENISHMENT OF VIABLE BASIC SEED OF THE VARIETY IN A PUBLIC REPOSITORY AS PROVIDED BY LAW, THE RIGHT TO EXCLUDE OTHERS FROM SELLING THE VARIETY, OR OFFERING IT FOR SALE, OR REPRODUCING IT, OR IMPORTING IT, OR EXPORTING IT, OR CONDITIONING IT FOR PROPAGATION, OR STOCKING IT FOR ANY OF THE FOREGOING PURPOSES, OR USING IT IN PRODUCING A HYBRID OR DIFFERENT VARIETY THEREFROM, TO THE EXTENT PROVIDED BY THE PLANT VARIETY PROTECTION ACT. IN THE UNITED STATES SEED OF THIS VARIETY SHALL BE SOLD BY VARIETY NAME ONLY AS A CLASS OF CERTIFIED SEED AND (2) SHALL CONFORM TO THE NUMBER OF GENERATIONS SPECIFIED BY THE OWNER OF THE RIGHTS. (84 STAT. 1542, AS AMENDED, 7 U.S.C. 2321 ET SEQ.)

OAT

'Tack'

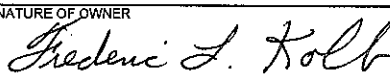
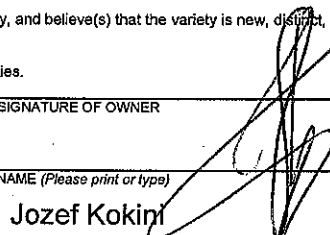
In Testimony Whereof, I have hereunto set my hand and caused the seal of the Plant Variety Protection Office to be affixed at the City of Washington, D.C. this fifth day of June, in the year two thousand and eight.

Attest:

Commissioner
Plant Variety Protection Office
Agricultural Marketing Service

Secretary of Agriculture

Application is required in order to determine if a plant variety protection certificate is to be issued (7 U.S.C. 2421). Information is held confidential until certificate is issued (7 U.S.C. 2426).

1. NAME OF OWNER The Board of Trustees of the University of Illinois		2. TEMPORARY DESIGNATION OR EXPERIMENTAL NAME IL97-9853	
4. ADDRESS (Street and No., or R.F.D. No., City, State, and ZIP Code, and Country) 506 S. Wright Street Urbana, IL 61801		5. TELEPHONE (include area code) (217) 333-1920 6. FAX (include area code) (217) 244-2282	
7. IF THE OWNER NAMED IS NOT A "PERSON", GIVE FORM OF ORGANIZATION (corporation, partnership, association, etc.) The University is a public corporation of the state of Illinois		8. IF INCORPORATED, GIVE STATE OF INCORPORATION 9. DATE OF INCORPORATION	
10. NAME AND ADDRESS OF OWNER REPRESENTATIVE(S) TO SERVE IN THIS APPLICATION. (First person listed will receive all papers) Frederic L. Kolb Professor of Plant Breeding 1102 S. Goodwin Ave. Urbana, IL 61801		Jozef Kokini Associate Dean for Research, Expt. Stn. Director 1301 W. Gregory, 114a Mumford Hall Univ. of Illinois, Urbana, IL 61801	
11. TELEPHONE (include area code) (217) 333-9485, or 333-0240		12. FAX (include area code) (217) 244-1289 or 333-5816	
13. E-MAIL f-kolb@uiuc.edu or kokini@uiuc.edu		14. CROP KIND (Common Name) Spring Oat	
15. GENUS AND SPECIES NAME OF CROP Avena sativa		16. FAMILY NAME (Botanical) Graminae	
17. IS THE VARIETY A FIRST GENERATION HYBRID? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		18. DOES THE VARIETY CONTAIN ANY TRANSGENES? (OPTIONAL) <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO IF SO, PLEASE GIVE THE ASSIGNED USDA-APHIS REFERENCE NUMBER FOR THE APPROVED PETITION TO DEREGULATE THE GENETICALLY MODIFIED PLANT FOR COMMERCIALIZATION.	
19. CHECK APPROPRIATE BOX FOR EACH ATTACHMENT SUBMITTED (Follow instructions on reverse) a. <input checked="" type="checkbox"/> Exhibit A. Origin and Breeding History of the Variety b. <input checked="" type="checkbox"/> Exhibit B. Statement of Distinctness c. <input checked="" type="checkbox"/> Exhibit C. Objective Description of Variety d. <input checked="" type="checkbox"/> Exhibit D. Additional Description of the Variety (Optional) e. <input checked="" type="checkbox"/> Exhibit E. Statement of the Basis of the Owner's Ownership f. <input checked="" type="checkbox"/> Exhibit F. Declaration Regarding Deposit g. <input checked="" type="checkbox"/> Voucher Sample (3,000 viable untreated seeds or, for tuber propagated varieties, verification that tissue culture will be deposited and maintained in an approved public repository) h. <input checked="" type="checkbox"/> Filing and Examination Fee (\$4,382), made payable to "Treasurer of the United States" (Mail to the Plant Variety Protection Office)		20. DOES THE OWNER SPECIFY THAT SEED OF THIS VARIETY BE SOLD ONLY AS A CLASS OF CERTIFIED SEED? (See Section 83(a) of the Plant Variety Protection Act) <input checked="" type="checkbox"/> YES (If "yes", answer items 21 and 22 below) <input type="checkbox"/> NO (If "no", go to item 23) <input type="checkbox"/> UNDECIDED 21. DOES THE OWNER SPECIFY THAT SEED OF THIS VARIETY BE LIMITED AS TO NUMBER OF CLASSES? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO IF YES, WHICH CLASSES? <input type="checkbox"/> FOUNDATION <input type="checkbox"/> REGISTERED <input type="checkbox"/> CERTIFIED 22. DOES THE OWNER SPECIFY THAT SEED OF THIS VARIETY BE LIMITED AS TO NUMBER OF GENERATIONS? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO IF YES, SPECIFY THE NUMBER 1,2,3, etc. FOR EACH CLASS. <input type="checkbox"/> FOUNDATION <input type="checkbox"/> REGISTERED <input type="checkbox"/> CERTIFIED (If additional explanation is necessary, please use the space indicated on the reverse.)	
23. HAS THE VARIETY (INCLUDING ANY HARVESTED MATERIAL) OR A HYBRID PRODUCED FROM THIS VARIETY BEEN SOLD, DISPOSED OF, TRANSFERRED, OR USED IN THE U. S. OR OTHER COUNTRIES? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO IF YES, YOU MUST PROVIDE THE DATE OF FIRST SALE, DISPOSITION, TRANSFER, OR USE FOR EACH COUNTRY AND THE CIRCUMSTANCES. (Please use space indicated on reverse.)		24. IS THE VARIETY OR ANY COMPONENT OF THE VARIETY PROTECTED BY INTELLECTUAL PROPERTY RIGHT (PLANT BREEDER'S RIGHT OR PATENT)? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO IF YES, PLEASE GIVE COUNTRY, DATE OF FILING OR ISSUANCE AND ASSIGNED REFERENCE NUMBER. (Please use space indicated on reverse.)	
25. The owners declare that a viable sample of basic seed of the variety has been furnished with application and will be replenished upon request in accordance with such regulations as may be applicable, or for a tuber propagated variety a tissue culture will be deposited in a public repository and maintained for the duration of the certificate. The undersigned owner(s) is(are) the owner of this sexually reproduced or tuber propagated plant variety, and believe(s) that the variety is new, distinct, uniform, and stable as required in Section 42, and is entitled to protection under the provisions of Section 42 of the Plant Variety Protection Act. Owner(s) is (are) informed that false representation herein can jeopardize protection and result in penalties.			
SIGNATURE OF OWNER  Frederic L. Kolb		SIGNATURE OF OWNER  Jozef Kokini	
NAME (Please print or type) Frederic L. Kolb		NAME (Please print or type) Jozef Kokini	
DATE 1/10/08		DATE January 11, 2008	
POSITION Professor of Plant Breeding		POSITION Associate Dean for Research	

GENERAL INSTRUCTIONS: To be effectively filed with the Plant Variety Protection Office (PVPO), **ALL** of the following items must be received in the PVPO: (1) Completed application form signed by the owner; (2) completed exhibits A, B, C, E, F; (3) for a tuber reproduced variety, verification that a viable (in the sense that it will reproduce an entire plant) tissue culture will be deposited and maintained in an approved public repository; and (4) payment by credit card or check drawn on a U.S. bank for \$4,382 (\$518 filing fee and \$3,864 examination fee), payable to "Treasurer of the United States" (See Section 97.6 of the Regulations and Rules of Practice). **NEW:** With the application for a seed reproduced variety or by direct deposit soon after filing, the applicant must provide at least 3,000 viable untreated seeds of the variety per se, and for a hybrid variety at least 3,000 untreated seeds of each line necessary to reproduce the variety. Partial applications will be held in the PVPO for not more than 90 days; then returned to the applicant as un-filed. Mail application and other requirements to Plant Variety Protection Office, AMS, USDA, Room 401, NAL Building, 10301 Baltimore Avenue, Beltsville, MD 20705-2351. Retain one copy for your files. All items on the face of the application are self explanatory unless noted below. Corrections on the application form and exhibits must be initialed and dated. **DO NOT** use masking materials to make corrections. If a certificate is allowed, you will be requested to send a payment by credit card or check payable to "Treasurer of the United States" in the amount of \$768 for issuance of the certificate. Certificates will be issued to owner, not licensee or agent.

NOTES: It is the responsibility of the applicant/owner to keep the PVPO informed of any changes of address or change of ownership or assignment or owner's representative during the life of the application/certificate. The fees for filing a change of address; owner's representative; ownership or assignment; or any modification of owner's name is specified in Section 97.175 of the regulations. (See Section 101 of the Act, and Sections 97.130, 97.131, 97.175(h) of the Regulations and Rules of Practice.)

Plant Variety Protection Office
Telephone: (301) 504-5518 **FAX:** (301) 504-5291
General E-mail: PVPOmail@usda.gov
Homepage: <http://www.ams.usda.gov/science/pvpo/PVPindex.htm>

SPECIFIC INSTRUCTIONS:

To avoid conflict with other variety names in use, the applicant must check the appropriate recognized authority and **provide evidence** that the permanent name of the application variety (even if it is a parental, inbred line) has been cleared by the appropriate recognized authority before the Certificate of Protection is issued. For example, for agricultural and vegetable crops, contact: U.S. Department of Agriculture, Agricultural Marketing Service, Livestock and Seed Programs, **Seed Regulatory and Testing Branch**, 801 Summit Crossing Place, Suite C, Gastonia, North Carolina 28054-2193 Telephone: (704) 810-8870. <http://www.ams.usda.gov/lsg/seed.htm>.

ITEM

- 19a. Give: (1) the genealogy, including public and commercial varieties, lines, or clones used, and the breeding method;
 (2) the details of subsequent stages of selection and multiplication;
 (3) evidence of uniformity and stability; and
 (4) the type and frequency of variants during reproduction and multiplication and state how these variants may be identified
- 19b. Give a summary of the variety's distinctness. Clearly state how this application variety may be distinguished from all other varieties in the same crop. If the new variety is most similar to one variety or a group of related varieties:
- (1) identify these varieties and state all differences objectively;
 - (2) attach replicated statistical data for characters expressed numerically and demonstrate that these are clear differences; and
 - (3) submit, if helpful, seed and plant specimens or photographs (prints) of seed and plant comparisons which clearly indicate distinctness.
- 19c. Exhibit C forms are available from the PVPO Office for most crops; specify crop kind. Fill in Exhibit C (Objective Description of Variety) form as completely as possible to describe your variety.
- 19d. Optional additional characteristics and/or photographs. Describe any additional characteristics that cannot be accurately conveyed in Exhibit C. Use comparative varieties as is necessary to reveal more accurately the characteristics that are difficult to describe, such as plant habit, plant color, disease resistance, etc.
- 19e. Section 52(5) of the Act requires applicants to furnish a statement of the basis of the applicant's ownership. An Exhibit E form is available from the PVPO.
20. If "Yes" is specified (*seed of this variety be sold by variety name only, as a class of certified seed*), the applicant **MAY NOT** reverse this affirmative decision after the variety has been sold and so labeled, the decision published, or the certificate issued. However, if "No" has been specified, the applicant may change the choice. (See Regulations and Rules of Practice, Section 97.103).
23. See Sections 41, 42, and 43 of the Act and Section 97.5 of the regulations for eligibility requirements.
24. See Section 55 of the Act for instructions on claiming the benefit of an earlier filing date.

22. CONTINUED FROM FRONT (Please provide a statement as to the limitation and sequence of generations that may be certified.)

Classes of seed are limited to Foundation and Certified. There is no Registered class of seed. There is no limit on the number of generations of Foundation Seed. Only one generation of Certified seed may be produced from Foundation seed.

23. CONTINUED FROM FRONT (Please provide the date of first sale, disposition, transfer, or use for each country and the circumstances, if the variety (including any harvested material) or a hybrid produced from this variety has been sold, disposed of, transferred, or used in the U.S. or other countries.)

Foundation seed of Tack was first offered for sale to seedsmen in January, 2007. Date of first availability - Jan. 31, 2007.

24. CONTINUED FROM FRONT (Please give the country, date of filing or issuance, and assigned reference number, if the variety or any component of the variety is protected by intellectual property right (Plant Breeder's Right or Patent).)

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0581-0055. The time required to complete this information collection is estimated to average 1.4 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, genetic information, political beliefs, reprisal, or because all or part of an individual's income is derived from any public assistance program (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at (202) 720-2600 (voice and TDD).

To file a complaint of discrimination, write to USDA, Director, Office of Civil Rights, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410, or call (800) 795-3272 (voice) or (202) 720-6382 (TDD). USDA is an equal opportunity provider and employer.

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Exhibit AOrigin and Breeding History of Tack

1) Tack (previously designated IL 97-9853) was developed by the University of Illinois Agricultural Experiment Station. The pedigree of Tack is: IL91-7730 (IL86-5698/ND 863145) / P87108D1-18. Based on GRIN and the registration article for IL98-5698 (Kolb, F.L., C.M. Brown, A.D. Hewings. 1991. Registration of seven spring oat germplasm lines tolerant to barley yellow dwarf virus. Crop Sci 31(1):240) the pedigree of IL86-5698 = IL74-5234/IL75-5662//IL81-1454 = Egdolon 26 / Clintford // Tyler / Orbit /3/ Coker 227 // Clintford / Portal /4/ MO 06425 // Otee / Noble. The pedigree of ND863145 = Don / ND821375 (CI9221/Otee/RL3038/Dal/3/Dal/Kelsey). The pedigree of MO 06425 = Nodaway 70 /5/E. Clinton/4/Orbit sel./3/Oneida sel./Garry sel./5/Craig. The pedigree of P87108D1-18 = P76278RD1-29-3-3-6-3 / MN 9886 / P76187A4-1-6-5. The pedigree of P76278RD1-29-3-3-6-3 is Noble /3/ CI 8454/P623A1-1-9-3/Otee/4/P623A1-1-9-1-3/Stout/2/Noble/Stout. The pedigree of P76187A4-1-6-5 from a nursery report is listed as "several Purdue lines including Noble, CI 8454, NY 5832 sel., Otee and Jaycee". I have not been able to obtain information on the pedigree of P623A1-1-9-1-3.

Tack was derived from a single F₅ plant row selected in 1997 and designated IL97-9853. Panicles reselected from an F₆ single plot were planted in F₇ plant rows in 1999, a single plant row was harvested and seed from this plant row was used for a small increase (F_{6:8}) in 2000. Seed was increased further in 2001 (F_{6:9}), 2002 (F₁₀), 2005 (F₁₁) and 2006 (F₁₂).

Breeding History and Evaluation Summary for Tack

- 1994 Final cross made in the greenhouse – February 1994
F₁ plants grown in the greenhouse - summer 1994
F₂ and F₃ population grown in the greenhouse (fall 1995 and winter 1995-96). These two generations were advanced by modified single seed descent.
- 1996 F₄ bulk population grown in the field and panicles selected.
- 1997 Single F_{4:5} plant row selected in the field and designated IL 97-9853.
- 1998 IL 97-9853 was evaluated in a single plot nursery (F_{4:6}) and five panicles were selected for reselection plant rows.
- 1999 IL97-9853 was evaluated in two replicated trials in Illinois, F_{6:7} reselection plant rows were grown, and one row selected as a source of pure seed increase.
- 2000 F_{6:8} small increase was grown and IL97-9853 was evaluated in two trials in Illinois.
- 2001-2007 IL97-9853 was evaluated in four trials in Illinois each year.

- 200800073
- 2001 F_{6:9} increase grown - variants rogued
2002 F_{6:10} increase grown - variants rogued
2005 F_{6:11} increase grown - variants rogued
2006 A large increase of F_{6:12} seed was grown by Illinois Foundation Seeds, Inc.
as Foundation Seed.
2006 Decision to release Tack was made.

2) Breeder seed of Tack came from the F_{6:11} increase grown in 2005. The field was inspected frequently and variants rogued. Foundation seed grown by Illinois Foundation Seeds, Inc. in 2006 was the F_{6:12} generation.

3) The exact number of plants rogued from increases was not recorded, nor was the total number of plants grown in each generation determined; however, in each generation the number of variants rogued was much less than 1 % of the total number of plants.

4) Tack has been uniform and stable for at least six generations from the F₇ to the F₁₂ generation. Variants allowed in Tack include up to 0.5% tall plants and up to 0.5% nonfluorescent seeds.

5) Tack was evaluated in breeding nursery trials in Illinois from 2001 – 2006. Tack was selected based on its outstanding test weight, and good crown rust resistance and BYDV tolerance and excellent kernel morphology. Tack has consistently had exceptional test weight.

Exhibit B

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Statement of Distinctness

Tack is a spring oat cultivar with tan, fluorescent seeds. Tack is most similar to Blaze. Tack is easily distinguished from Blaze and Spurs based on basal hairs, which are absent in tack but present in Blaze and Spurs. Tack is easily distinguished from a number of varieties on the basis of lemma color. Ogle and Chaps have yellow lemma color, so they can be easily distinguished from Tack based on lemma color. Tack is easily distinguished from Rodeo based on lemma color and fluorescence of seed. Seed of Tack are fluorescent and seed of Rodeo are nonfluorescent.

In addition, the exceptionally high test weight of Tack (while a quantitative trait) is distinct and might be useful to identify Tack (see Tables 1 through 4).

Exhibits C and D - No changes.

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 051-0055. The time required to complete this information collection is estimated to average 1.5 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

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U.S. DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE
SCIENCE AND TECHNOLOGY
PLANT VARIETY PROTECTION OFFICE
BELTSVILLE, MD 20705

Exhibit C

OBJECTIVE DESCRIPTION OF VARIETY
Oat (*Avena* spp.)

NAME OF APPLICANT (S) The Board of Trustees of the University of Illinois	TEMPORARY OR EXPERIMENTAL DESIGNATION IL 97-9853	VARIETY NAME Tack
ADDRESS (Street and No. or RD No., City, State, Zip Code, and Country) 506 S. Wright Street Urbana, IL 61801		FOR OFFICIAL USE ONLY PVPO NUMBER #200800073

Place the appropriate number that describes the varietal character of this variety in the boxes below. Place a zero in the first box (i.e., or) when the number is either 99 or less or 9 or less.

1. SPECIES:

1 = Sativa

2 = Byzantina

3 = Other (Specify) _____

2. GROWTH HABIT:

1 = Winter

2 = Semi-Winter

3 = Spring

Juvenile Growth:

1 = Prostrate

2 = Semi-Prostrate

3 = Erect

3. MATURITY: (50% Flowering)

Number of days

No. Days Earlier Than

* Ogle

Same as Check

*

No. of Days Later Than

*

Season:

1 = Very Early (Jaycee) 2 = Early (Nodaway 70) 3 = Mid-Season (Clintford)
4 = Late (Lodi) 5 = Very Late (Gerry) 6 = Extremely Late (Mackinaw)

4. PLANT HEIGHT: (From Soil Level to Top of Head)

cm Tall

cm Shorter Than

*

Same as Check

*

cm Taller Than

*

* Relative to a Commercial Variety Grown in the Same Trial

7

5. STEM:

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Diameter: 1 = Fine (Kherson) 2 = Medium (Clintford) 3 = Coarse (Nodaway 70)
 Hairiness at Upper Culm Nodes: 1 = Hairless 2 = Hairy very sparse hairs below flag leaf node
 Mature Stem Color 1 = Yellow 2 = Reddish (only a very few)

6. LEAF: (Leaf Color: The Royal Horticultural Society's or any recognized color chart should be used to determine the leaf color of the described variety.)

Carriage: 1 = Drooping (Random) 2 = Erect (Walken)
 Color: 1 = Yellow-Green 2 = Light Green 3 = Dark Green 4 = Blue-Green RHS : 138A
 mm Width (First leaf below flag leaf) Leaf Margin: 1 = Glabrous 2 = Ciliate
 Ligule: 1 = Absent 2 = Present Leaf Sheath: 1 = Hairless 2 = Hairy

7. HEAD:

Panicle Shape: 1 = Equilateral 2 = Intermediate 3 = Side Panicle (Unilateral)
 Attachment of Lower Whorl of Branches: 1 = First Node 2 = Second Node (False Node)
 Panicle Size: 1 = Small (Yancey) 2 = Medium (Walken) 3 = Large (Markton)
 Panicle Width: 1 = Narrow (Gopher) 2 = Midbroad (Yancy) 3 = Broad (Nodaway 70)
 cm Panicle Length Number of Branches Number of Whorls of Branches (5-6)
 Position of Branches: 1 = Ascending (Yancey) 2 = Spreading (Cayuse) 3 = Drooping (Markton)
 4 = Pectinate (White Tarter) 5 = Confused (Storm King)

8. RACHIS:

1 = Recurved (Yancey) 2 = Erect (Walken) mm Second Floret Rachilla Segment Length
 Second Floret Rachilla Segment: 1 = Hairless 2 = Hairy Rachilla Hairs: 1 = Short 2 = Long

9. SPIKELET:

Spikelet Separation by: 1 = Abscission 2 = Semi-Abscission 3 = Fracture
 Floret Separation by: 1 = Disarticulation 2 = Heterofracture 3 = Basifracture
 Florets per Spikelet (Mean no.)

10. GLUMES: (Glume Color: The Royal Horticultural Society's or any recognized color chart should be used to determine the leaf color of the described variety.)

mm Width mm Length No. of Veins on Glumes Color: 1 = White 2 = Yellow 3 = Red 4 = Striped

11. LEMMA: (Lemma Color: The Royal Horticultural Society's or any recognized color chart should be used to determine the leaf color of the described variety.)

mm Length Color: 1 = White 2 = Yellow 3 = Red
 Hairiness of Dorsal Surface: 1 = Hairless 2 = Hairy TAN 4 = Gray 5 = Black

12. AWN: (First Floret)

Occurrence: 1 = Absent (Walken) 2 = Infrequent (Yancey) 3 = Common (Chilocco) 4 = Frequent (Random)
 or 2 Type: 1 = Non-Twisted 2 = Twisted
 mm Awn Length 3 = Twisted Geniculate

8

#200800073

13. SEED:

☐ 1
☐ 1

Florescence Under Ultraviolet Light:

1 = Florescent

2 = Non-Florescent

Basal Hair:

1 = Absent (Florida 501)

4 = Several to Numerous (Florlee)

2 = Absent to Few (Yancey)

5 = Numerous (Red Rustproof)

3 = Few to Several (Lee)

☐ . ☐
N. A.
mm Basal Hair Length
☐ 3 ☐ 0 ☐ 0

gms per 1000 Seeds

☐ 0 ☐ 3

mg Groat Weight (each)

☐ ☐ . ☐

% Groat Protein

☐ 0 ☐ 7 ☐ 7

% Groat Oil

14. INSECTS: (0 = Not Tested 1 = Susceptible 2 = Resistant)

☐ 0

Cereal Leaf Beetle

☐ 0

Bluegrass Billbug

☐ 0

Grain Bug (C. Sayi)

☐ 0

Nematode (Type) _____

☐ 0

Green Bug (Biotype) _____

☐

Other (Specify) _____

15. DISEASE: (0 = Not Tested 1 = Susceptible 2 = Resistant)

☐ 0

Halo Blight

☐ 0

Powdery Mildew

☐ 0

Septoria Leaf Blotch

☐ 0

Soil-Borne Mosaic Virus

☐ 0
Helminthosporium
Leaf Blotch
☐ 2

Yellow Dwarf Virus

☐ 0

Victoria Blight

☐

Other (Specify) _____

Specify Races Tested:

☐ 2

Crown Rust

☐ 0

Stem Rust

☐ 0

Covered Smut

☐ 1

Loose Smut

Races Susceptible	Races Resistant
Unknown	Unknown
mixture-composite collection	

16. INDICATE THE VARIETY YOU BELIEVE MOST CLOSELY TO RESEMBLE THAT SUBMITTED:

CHARACTER	VARIETY	CHARACTER	VARIETY
Plant Tillering	?	Leaf Color	Blaze
Leaf Size	Blaze	Leaf Carriage	Blaze
Seed Color	Spurs	Seed Shape	Spurs

COMMENTS:

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Exhibit D**Additional Description of the Variety**

Tack is a variety released by the University of Illinois Agricultural Experiment Station. Tack (evaluated as experimental breeding line IL97-9783) has had good yield and excellent test weight over a broad range of environments in tests in Illinois. Tack has very good yield potential, outstanding test weight and good barley yellow virus tolerance and crown rust resistance. The outstanding feature of Tack is its exceptionally high test weight. Test weight of Tack has been several pounds higher than varieties currently grown in Illinois. Tack is a midseason variety with heading date one to two days earlier than Spurs. Tack is usually about one inch taller than Spurs. Lodging resistance of Tack is similar to Spurs, but somewhat less than Jay. Tack is tolerant to barley yellow dwarf virus and has been resistant to crown rust (*Puccinia coronata* Cda. f. sp. *avenae* Eriks.), but may be susceptible to some races of crown rust. Tack is susceptible to loose smut (*Ustilago avenae* (Pers.) Rostr.). Tack has tan seed, and most seed of Tack fluoresce in ultraviolet light; however, some kernels do not fluoresce, and 0.5% nonfluorescent seeds are allowed in Tack.

In Tables 1-4, Tack is compared to several cultivars in trials in Illinois. Averaged over 20 tests in Illinois, Tack yielded 8.1 bu/A more than Ogle (133.6 bu/A for Tack compared to 125.5 bu/A for Ogle). Measured over ten locations in Illinois the test weight of Tack averaged 36.7 lbs/bu compared to 31.2 lbs/bu for Ogle and 34.2 lbs/bu for Spurs.

Table 1. Performance of Tack and checks averaged over the 2002, 2003, 2004, 2005 and 2006 Illinois Oat Drill Plots and Advanced Oat Nursery.

Name	Urbana			DeKalb			Across Locs. and Years		2004	2004
	Drill Plots	Advanced		Drill Plots	Advanced				Urbana	DeKalb
	Yield (bu/A)	Yield (bu/A)	TW (lbs/bu)	Yield (bu/A)	Yield (bu/A)	TW (lbs/bu)	Yield (bu/A)	TW (lbs/bu)	Crown Rust (0-9)	Crown Rust (0-9)
Tack	136.7	140.2	36.2	133.6	125.2	37.2	133.6	36.7	0.0	0.7
Blaze	124.3	128.2	33.2	123.8	123.3	34.0	126.0	33.6	0.3	1.7
Chaps	132.3	125.0	31.9	125.3	125.7	32.9	126.4	32.4	3.0	4.7
Jay	129.1	129.0	33.7	131.2	124.8	34.7	128.5	34.2	2.3	1.7
Ogle	127.1	126.3	30.8	127.6	120.0	31.7	125.5	31.2	3.3	7.7
Rodeo	126.3	132.0	31.9	134.6	127.6	31.8	130.7	31.9	3.3	4.0
Sesqui	127.9	139.7	33.6	130.0	131.9	33.8	133.1	33.7	0.0	2.7
Spurs	127.8	132.6	33.4	145.0	132.7	35.0	134.1	34.2	0.0	0.7
Trial mean	129.6	135.1	33.4	128.2	125.5	34.6	129.2	34.0	1.9	3.6
No. of Tests	5	5	5	5	5	5	20	10	1	1

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**Table 2. Performance of Tack and checks in the
Advanced Nursery, Urbana, Illinois, 2004**

Name	Yield (bu/A)	TW (lbs/bu)	Heading Date (after 1/1/)	Height (in.)	Lodging (0-9)	BYDV (0-9)	Quality		
							Groats (%)	Thins (%)	Oil (NMR)
Tack	147.4	36.2	149	33	4	3.0	70.0	8.1	6.8
Blaze	127.6	32.7	152	34	7	3.0	71.4	9.0	8.4
Chaps	113.7	30.2	149	32	6	4.0	70.6	9.4	5.4
Jay	122.1	33.3	152	32	4	4.0	66.0	7.3	7.0
Leonard	139.8	32.2	156	37	6	3.5	66.9	15.8	6.4
Ogle	109.3	30.4	151	33	4	6.0	69.9	8.8	5.7
Rodeo	118.2	31.8	150	34	5	5.0	70.0	8.9	6.4
Sesqui	153.7	33.0	155	35	5	5.0	71.1	12.2	7.2
Spurs	119.0	32.7	151	32	4	4.0	69.3	6.6	5.8
MEAN	135.9	33.1	150	33	5	4.1	71.1	10.3	6.5
LSD (0.05)	12.3	1.3	2	1	2				
CV (%)	5.6	2.5	3	3	29				

**Table 3. Performance of Tack and checks in the
Advanced Nursery, Urbana, Illinois, 2005**

Name	Yield (bu/A)	TW (lbs/bu)	Heading Date (after 1/1/)	Height (in.)	BYDV (0-9)	Quality		
						Groats (%)	Thins (%)	Oil (NMR)
Tack	135.0	34.5	151	31.4	4.0	72.9	9.2	7.9
Blaze	135.3	33.2	154	30.5	4.0	69.6	14.1	7.5
Chaps	121.4	30.9	153	30.1	4.0	71.0	17.6	5.2
Jay	130.8	33.6	152	29.1	4.0	71.1	12.3	6.7
Leonard	126.7	31.0	157	30.7	4.0	69.3	20.4	5.6
Ogle	120.4	28.8	152	30.3	4.5	68.2	13.1	6.0
Rodeo	126.4	31.0	154	30.3	4.5	67.9	17.7	6.0
Sesqui	135.5	32.2	157	30.9	5.0	69.7	26.2	7.6
Spurs	134.8	34.4	152	30.3	4.0	68.9	21.2	5.6
Baker	125.9	32.7	154	31.6	3.5	70.0	16.3	7.6
Trial Mean	131.1	33.2	152	30.4	4.2	71.9	18.5	7.5
CV (%)	6.6	2.9	2	2.9				
LSD (0.05)	13.9	1.6	1	1.4				

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**Table 4. Performance of Tack and checks in the
Advanced Nursery, Urbana, Illinois, 2006**

Name	Yield (bu/A)	Yield % of Mean	TW (lbs/bu)	Heading Date (d.p. 1/1)	Height (in.)	Lodging (0-9)	BYDV (0-9)	Smut (%)	Quality		
									Groat (%)	Thins (%)	Oil (NM R)
Tack	145.1	102.7	35.4	153.0	42.9	2.7	3.0	37.5	72.2	8.1	8.4
Blaze	111.5	78.9	30.2	154.9	43.4	2.3	3.5	45.0	70.5	15.1	7.6
Chaps	135.0	95.6	31.2	153.8	41.9	0.7	6.0	50.0	70.6	12.6	6.6
Jay	130.1	92.1	32.0	156.0	39.3	0.0	5.5	7.5	69.8	19.3	7.0
Ogle	121.1	85.7	30.8	154.9	43.9	1.0	5.0	65.0	70.2	18.9	6.3
Rodeo	123.2	87.2	30.1	155.2	43.6	3.0	5.0	72.5	68.4	18.6	6.3
Sesqui	127.2	90.0	32.1	159.4	46.2	2.0	4.0	0.0	71.4	35.5	6.8
Spurs	139.9	99.0	31.6	153.7	41.8	2.3	4.0	30.0	70.1	8.7	5.8
MEAN	141.3		32.5	154.6	42.8	3.0	4.4	17.8	70.7	17.3	7.2
LSD (0.05)	17.1		1.6	0.8	1.6	2.4					
CV (%)	7.5		3.1	1.5	2.4	49.9					

U.S. DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE**EXHIBIT E**
STATEMENT OF THE BASIS OF OWNERSHIP

Application is required in order to determine if a plant variety protection certificate is to be issued (7 U.S.C. 2421). The information is held confidential until the certificate is issued (7 U.S.C. 2426).

1. NAME OF APPLICANT(S) The Board of Trustees of the University of Illinois	2. TEMPORARY DESIGNATION OR EXPERIMENTAL NUMBER IL97-9853	3. VARIETY NAME Tack
4. ADDRESS (Street and No., or R.F.D. No., City, State, and ZIP, and Country) 506 S. Wright Street Urbana, IL 61801	5. TELEPHONE (include area code) (217) 333-1920	6. FAX (include area code) (217) 244-2282
7. PVPO NUMBER		#200800073

8. Does the applicant own all rights to the variety? Mark an "X" in the appropriate block. If no, please explain.

☒

YES

☐

NO

9. Is the applicant (individual or company) a U.S. national or a U.S. based company? If no, give name of country.

☒

YES

☐

NO

The University is a corporation in the state of Illinois

10. Is the applicant the original owner?

☒

YES

☐

NO

If no, please answer one of the following:

a. If the original rights to variety were owned by individual(s), is (are) the original owner(s) a U.S. National(s)?

☒

YES

☐

NO

If no, give name of country

The University is a corporation in the state of Illinois

b. If the original rights to variety were owned by a company(ies), is (are) the original owner(s) a U.S. based company?

☒

YES

☐

NO

If no, give name of country

The University is a corporation in the state of Illinois

11. Additional explanation on ownership (Trace ownership from original breeder to current owner. Use the reverse for extra space if needed):

Dr. Frederic L. Kolb, the breeder who developed the variety, is an employee of the University of Illinois. The Board of Trustees of the University of Illinois is the owner.

PLEASE NOTE:

Plant variety protection can only be afforded to the owners (not licensees) who meet the following criteria:

1. If the rights to the variety are owned by the original breeder, that person must be a U.S. national, national of a UPOV member country, or national of a country which affords similar protection to nationals of the U.S. for the same genus and species.
2. If the rights to the variety are owned by the company which employed the original breeder(s), the company must be U.S. based, owned by nationals of a UPOV member country, or owned by nationals of a country which affords similar protection to nationals of the U.S. for the same genus and species.
3. If the applicant is an owner who is not the original owner, both the original owner and the applicant must meet one of the above criteria.

The original breeder/owner may be the individual or company who directed the final breeding. See Section 41(a)(2) of the Plant Variety Protection Act for definitions.

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0581-0055. The time required to complete this information collection is estimated to average 0.1 hour per response, including the time for reviewing the instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

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To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, Room 326-W, Whitten Building, 14th and Independence Avenue, SW, Washington, D.C. 20250-9410 or call (202) 720-5964 (voice and TDD). USDA is an equal opportunity provider and employer.

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Form Approved OMB NO 0581-0065

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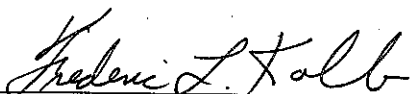
U.S. DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE
SCIENCE AND TECHNOLOGY
PLANT VARIETY PROTECTION OFFICE
BELTSVILLE, MD 20705

EXHIBIT F
DECLARATION REGARDING DEPOSIT

NAME OF OWNER (S) The Board of Trustees of the University of Illinois	ADDRESS (Street and No. or RD No., City, State, and Zip Code and Country) 506 S. Wright Street Urbana, IL 61801	TEMPORARY OR EXPERIMENTAL DESIGNATION IL97-9853
NAME OF OWNER REPRESENTATIVE (S) Frederic L. Kolb Dep. of Crop Sciences 1102 S. Goodwin Ave. Urbana, IL 61801	ADDRESS (Street and No. or RD No., City, State, and Zip Code and Country) 506 S. Wright Street Urbana, IL 61801	VARIETY NAME Tack FOR OFFICIAL USE ONLY PVPO NUMBER #200800073

I do hereby declare that during the life of the certificate a viable sample of propagating material of the subject variety will be deposited, and replenished as needed periodically, in a public repository in the United States in accordance with the regulations established by the Plant Variety Protection Office.

Seed of Tack (IL97-9853) has been shipped to the National Center for Genetic Resources Preservation in Fort Collins, CO.


Signature

1/10/08
Date

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